

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KENNETH WINSTON ASHFORD,
Plaintiff

v.

SHERIFF SHAWN BRADY and
DEPUTY SHERIFF LEAS,
Defendants

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CIVIL ACTION NO. 1:10-CV-264

(Judge Conner)

ORDER

AND NOW, this 1st day of December, 2010, upon consideration of the report of United States Magistrate Judge J. Andrew Smyser (Doc. 30), recommending that the motion for summary judgment filed by Defendants Sheriff Shawn Brady and Deputy Sheriff Leas (Doc. 24) be denied, and, following an independent review of the record and noting that defendants Brady and Leas filed objections¹ to the report on October 13, 2010 (Doc. 31), and the court finding Judge Smyser's analysis to be thorough and well-reasoned, and the court finding defendants' objections to be without merit and squarely addressed by Judge Smyser's report (Doc. 30), it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The report of Magistrate Judge Smyser (Doc. 30) is ADOPTED in its entirety.
2. The motion for summary judgment (Doc. 24) filed by Defendants Sheriff Shawn Brady and Deputy Sheriff Leas is DENIED.
3. The above-captioned case is REMANDED to Magistrate Judge Smyser for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge